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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,225	01/29/2002	Alan E. Cariffe	10016427	4818

7590

07/28/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,225	Applicant(s) CARIFFE, ALAN E.	
	Examiner Julie Lieu	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,12-20,26-34,36,37 and 39 is/are rejected.
- 7) ☒ Claim(s) 3,7,10,11,21-25 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 17-18 are objected to because of the following informalities: in claim 17, "that the printing device" is repeated. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 2, 4-6, 8, 9, 12-20, 26-34, 36, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croft et al. (US Patent No. 6078,826).

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Claim 1:

Croft et al. discloses a controller configured to determine whether the position of a device 10 is within a first physical environment, and upon such determination, to adjust the mode of operation useful in interacting with a source device associated with the first physical environment; and communication interface configured to establish a communication link between the device and the source device, namely, a land telephone, and to interact with the source device via the communication link utilizing the adjusted mode of operation. See abstract.

The device in Croft is not a printing device. However, it would have been obvious to a skilled artisan that that this concept can be incorporated into any device as desired to the mode of operation of the device is preferably made depending on the distance and/or location of the device. The use of this system on a printing device only presents the intended use of the system and would not be considered as an inventive step.

Claim 2:

The communication interface in Croft et al. is a wireless communication interface.

Claim 4:

The wireless communication interface in Croft is a RF device.

Claim 5:

The communication interface in Croft is configured to initiate establishing the communication link prior to the controller adjusting the mode of operation; and wherein the controller is configured to determine whether a position of the device is within the first environment at least in part by detecting establishment of the communication link with a source device within the first physical environment.

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Claim 6:

Croft includes a position sensor 45 to detect position of the device 10.

Claim 8:

The source device in Croft is implicitly a computing device since the landline telephone is control by a computing network.

Claim 9:

The computing device is selected from the group consisting laptop computing device, handheld device, print server, and desktop computing device.

Claim 12:

The controller in Croft is configured to adjust the mode of operation of the device 10 at least in part by configuring the device to receive signals from the source device.

Claim 13:

The communication interface is configured to communicate with the source device through a computer network, and wherein the controller is configured to adjust the mode of operation of the device at least in part by configuring the device to interact with the network.

Claim 14:

The controller in Croft is configured to adjust the mode of operation of the device at least in part by configuring the device to send data to a destination device.

Claim 15:

The source device, landline telephone line, is a the destination device.

Claim 17:

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The mobile phone in Croft detects whether the device is within a threshold proximity of a source device, and in response, connects to the source device via a communication link and configures the mobile phone to interact with other devices.

Claim 18:

The device 10 in Croft includes a RF interface and a GPS sensor configured to detect threshold proximity to the source device.

Claim 19:

Croft discloses a source device, namely, a landline phone base station having an associated first physical environment and a device configured to determine whether the position of a device 10 is within a first physical environment, and upon such determination, to adjust the mode of operation useful in interacting with a source device associated with the first physical environment; and communication interface configured to establish a communication link between the device and the source device, and to interact with the source device via the communication link utilizing the adjusted mode of operation. See abstract.

The device in Croft is not a printing device. However, it would have been obvious to a skilled artisan that that this concept can be incorporated into any device as desired to the mode of operation of the device is preferably made depending on the distance and/or location of the device. The use of this system as a printing device only presents the intended use of the system and would not be considered as an inventive step.

Claim 20:

The device in Croft is adjusted to the mode of operation at least in part by downloading program components useful in communication with the source device, that is, program for instructing forwarding calls to the source device.

Claim 26:

Croft discloses a computer network, namely, a mobile phone base station having an associated first physical environment and a device configured to determine whether the position of a device 10 is within a first physical environment, and upon such determination, to adjust the mode of operation useful in interacting with a source device associated with the first physical environment; and communication interface configured to establish a communication link between the device and the base station, and to interact with the base station via the communication link utilizing the adjusted mode of operation. See abstract.

The device in Croft is not a printing device. However, it would have been obvious to a skilled artisan that that this concept can be incorporated into any device as desired to the mode of operation of the device is preferably made depending on the distance and/or location of the device. The use of this system on a printing device only presents the intended use of the system and would not be considered as an inventive step.

Claims 27 and 37:

The rejection of claim 27 and 37 recites what was discussed in claim 1, except it is method claims.

Claim 28:

The rejection of claim 28 recites what was discussed in claim 12, except it is method claims.

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Claim 29:

The rejection of claim 29 recites what was discussed in claim 13, except it is method claims.

Claim 30:

The rejection of claim 30 recites what was discussed in claim 14, except it is method claims.

Claim 31:

The rejection of claim 31 recites what was discussed in claim 12, except it is method claims.

Claim 32:

The rejection of claim 32 recites what was discussed in claim 14, except it is method claims.

Claim 33 and 34:

Croft's system detects the printing device to be within the first environment includes detecting a signal from a position beacon or a RF signal.

Claim 36:

Device 10 in Croft detects whether the device is within the first physical environment including detecting a satellite GPS.

Claim 39:

Croft et al. discloses a controller, that is, the base station with processor-executable instruction stored therein when executed by a processor, cause the processor to determine whether the position of a device 10 is within a first physical environment, and upon such

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determination, to adjust the mode of operation useful in interacting with a source device associated with the first physical environment; and to establish a communication link between the device and the source device, namely, a land telephone, and to interact with the source device via the communication link utilizing the adjusted mode of operation. See abstract.

The device in Croft is not a printing device. However, it would have been obvious to a skilled artisan that that this concept can be incorporated into any device as desired to the mode of operation of the device is preferably made depending on the distance and/or location of the device. The use of this system as a printing device only presents the intended use of the system and would not be considered as an inventive step.

Allowable Subject Matter

4. Claims 3, 7, 10, 11, 21-25, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 38 is allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jul 23, 04